

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LAZELL DON JACKSON, #612177

§

VS.

§

CIVIL ACTION NO. 6:05cv279

TEXAS BOARD OF PARDONS AND
PAROLES, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Lazell Don Jackson, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who concluded that the complaint should be dismissed because the Plaintiff failed to pay the initial partial filing fee of \$6.67. The Plaintiff has filed objections.

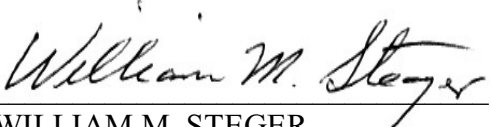
The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The Plaintiff erroneously argued that he is being denied his constitutional rights and that his case can be dismissed only if it is frivolous or malicious. The Court would note that Congress enacted the Prison Litigation Reform Act ("PLRA") in 1996. The PLRA discontinued the practice of allowing inmates to proceed in civil cases free of charge if they were granted *in forma pauperis* status. Under the PLRA, the granting of *in forma pauperis* status means

that an inmate will be required to pay the full filing fee, but he will be permitted to pay it over time when he has the funds to do so. The Plaintiff was granted *in forma pauperis* status and was ordered to pay an initial partial filing fee of \$6.67. Magistrate Judge Guthrie correctly recommended that the lawsuit should be dismissed since the Plaintiff failed to timely pay the initial partial filing fee. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** without prejudice for failure to prosecute and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 29th day of September, 2005.



WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE